

WEST VALLEY CITY, UTAH
ORDINANCE NO. _____

Draft Date: 9/22/2015

Date Adopted: _____

Date Effective: _____

**AN ORDINANCE AMENDING SECTION 24-2-113 OF THE
WEST VALLEY CITY MUNICIPAL CODE TO CLARIFY
PROVISIONS GOVERNING RESIDENTIAL WASTE
COLLECTION.**

WHEREAS, Section 24-2-113 of the West Valley City Municipal Code governs the residential solid waste collection program; and

WHEREAS, fees concerning said residential solid waste collection program are listed in the City's Consolidated Fee Schedule; and

WHEREAS, the City strives to offer full disclosure of fees to customers and to clarify the circumstances under which a late fee is appropriate; and

WHEREAS, the City Council of West Valley City, Utah does hereby determine that it is in the best interests of the health, safety, and welfare of the citizens of West Valley City to amend Section 24-2-113 of the West Valley City Municipal Code;

NOW, THEREFORE, BE IT ORDAINED by the City Council of West Valley City, Utah as follows:

Section 1. Repealer. Any provision of the West Valley City Municipal Code found to be in conflict with this Ordinance is hereby repealed.

Section 2. Amendment. Section 24-2-113 is hereby amended as follows:

24-2-113. RESIDENTIAL SOLID WASTE COLLECTION.*

- (1) Residential solid waste and recycling collection fees. The owner of every single-family dwelling property and duplex property shall be responsible and liable for the monthly charges enumerated in the Consolidated Fee Schedule for residential solid waste collection services and recycling collection services. An alternate billing agreement may be entered into which will allow the bill to be sent to an alternate party, however, the property owner retains all obligations for full payment of solid waste and recycling

32 collection fees.

33 (2) Right to Revoke Recycling Services. When a customer has contaminated the recycling
34 waste stream with items not included in the City's list of acceptable items for recycling,
35 the City may revoke the right to recycling services at the address of violation.

36 a. Before revoking the right to recycling services, the City will notify the customer and
37 issue a warning that the customer has been contaminating the recycling waste stream.

38 b. If, after receiving the warning, the customer continues to contaminate the recycling
39 waste stream, the City may revoke the customer's right to participate in the recycling
40 program and remove the recycling container from said customer's address.

41 c. Revocation of the customer's right to participate in the recycling program shall not
42 affect the fee the customer pays for Residential Solid Waste Collection, which shall
43 be determined by the West Valley City Consolidated Fee Schedule.

44 d. Where the City has revoked the right of a customer to participate in the Recycling
45 Services program, the customer may appeal that decision pursuant to Section 24-2-
46 119 of this Title.

47 (3) Billing and delinquency.

48 a. Billings for residential solid waste collection services will be in accordance with rates
49 and schedules declared in the Consolidated Fee Schedule, as approved by the City
50 Council.

51 b. Fees and charges levied in accordance herewith shall be a debt due to the City.
52 Failure to pay ~~within 25 days after the due date (printed on the bill)~~ shall be subject to
53 ~~late fees declared in the Consolidated Fee Schedule and are deemed delinquent as set~~
54 forth on the customer's billing statement shall result in the imposition of the late fees
55 set forth in the City's Consolidated Fee Schedule. Delinquent accounts are subject to
56 recovery through civil action, including the payment of reasonable legal fees.

57 c. The City reserves the right to recover sanitation cans for non-payment of fees; where
58 the bill is delinquent beyond 90 days, cans will not be returned until debt has been
59 paid.

60 (4) Requirement for sending bill to non-property owners. Alternate billing agreements allow
61 the City to bill someone other than the property owner; however, the property owner
62 retains all obligations for full payment of fees. The alternate billing agreement must be

signed by the property owner and the party to receive the bill. A deposit of \$50.00 or two months assessment whichever is greater, is required. The deposit will be held by the City Treasurer until such time as the agreement is canceled or the deposit is consumed to pay for fees unpaid by the alternately billed party.

(5) Indigent abatement.

a. Any tenant or real property owner of any residential single-family dwelling unit or duplex dwelling unit shall be granted a 100 percent annual abatement of the above charges for residential solid waste collection services in any given year, subject to the following:

i. The applicant shall file with the City an application for abatement, in a form approved by the City, which shall set forth sufficient facts to support the applicant's eligibility to receive the abatement.

ii. The application shall include an affidavit setting forth the eligibility of the applicant for the abatement. The affidavit shall be signed by both husband and wife, if they seek abatement on a dwelling unit in which they both reside.

iii. The applicant shall reside for not less than ten months of each year in the residence for which the abatement is requested.

iv. The applicant's total household income for the year in which a claim for abatement has been filed shall not exceed the maximum income allowable for a residential solid waste collection abatement fee as set forth in the Consolidated Fee Schedule.

b. Any decision by the Finance Department relative to the abatement of residential solid waste collection fees may be appealed to the City Manager by filing a written notice of appeal with the City Manager within ten business days following the written decision of the Finance Department. Any decision of the City Manager may be appealed to the City Council by filing a written notice of appeal with the City Council within ten days following the written decision of the City Manager. The decision of the City Council shall be final.

c. No abatement of fees for residential solid waste collection services shall be applied retroactively. The charges for any person applying for an abatement shall be abated only from the date the application is approved by the City, forward. Such abatement

shall be effective only for the next succeeding 12-month period.

Section 3. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 4. Effective Date. This Ordinance shall take effect immediately upon posting in the manner required by law.

PASSED and APPROVED this _____ day of _____, 2015.

WEST VALLEY CITY

MAYOR

ATTEST:

CITY RECORDER